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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,217	07/06/2001	Andrew Vincent Marolda	US010329	6266

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EXAMINER

HOSSAIN, FARZANA E

ART UNIT PAPER NUMBER

2623

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,217

Applicant(s)

MAROLDA, ANDREW VINCENT

Examiner

Farzana E. Hossain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-23 is/are rejected.
7) ☒ Claim(s) 18 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 10 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01-20-06 has been entered.

Response to Amendment

2. This action is responsive to an amendment filed 01/20/2006. Claims 1-23 are pending. Claims 1, 3-6, 17-23 are amended. Claims 7-15 are original. Claims 2, 16 are previously presented.

Response to Arguments

3. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. Claim 18 is objected to because of the following informalities: The claim recites, "computer-readable code means" and then recites "said computer readable program code means." Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-9, 13, 17- 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Wong et al (US 6968,364 and hereafter referred to as "Wong").

Regarding Claim 1, Wong discloses a method for automatic recording (Column 6, lines 32-35), the method comprising the steps of: registering at least one scheduler to give the scheduler permission to make scheduled recordings on behalf of a recipient or an authorized person such as a trusted friend or group of persons (Column 15, lines 32-50, Column 7, lines 2-8); receiving a request, from the at least one scheduler, to schedule a recording of a program for the recipient (Column 15, lines 32-50); and issuing a command to record the program for the recipient if the recipient as authorized the scheduler to schedule recordings on behalf of the recipient (Column 15, lines 32-50), wherein the scheduler and the recipient are different individuals (Column 15, lines 32-50).

Regarding Claims 17, 18, 19, 20, 22, 23, Wong discloses a system (Figure 1a, Figure 1b, 40a, Figure 2, 40a), an article of manufacture (Figure 1a, Figure 1b, 40a, Figure 2, 40a), a system for person to person scheduling and notification of automatic

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program recording for personalized TV (Figure 1a, Figure 1b, 40a, Figure 2, 40a), a method performed on a recorder capable of recording programs (Figure 1a, Figure 1b, 40a, Figure 2, 40a, Column 15, lines 32-50), comprising: a memory that stores computer readable code (Figure 2, 260, 270); and a processor operatively coupled to the memory, the process configured to implement the computer readable code, the computer readable code configured to and a computer readable medium having computer readable code means embodied thereon the computer program code means (Column 12, lines 16-25): receive a request from a scheduler, to schedule a recording of a program for a recipient (Column 15, lines 32-50) and issue a command to record the program for the recipient if the scheduler is a registered scheduler or authorized source to schedule a recording (Column 15, lines 32-50) wherein the scheduler and recipient are different individuals operating separate personalized television (TV) devices (Column 15, lines 32-50).

Regarding Claims 2 and 21, Wong discloses all the limitations of Claims 1 and 20 respectively. Wong discloses that the scheduler can request to record the program (Column 15, lines 32-50), determining if the scheduler requesting the recording is authorized to schedule a recording (Column 15, lines 32-62) when the step of recording the program comprising the step of recording the program when the scheduler is authorized to schedule the recording of for the recipient (Column 15, lines 32-63).

Regarding Claim 3, Wong discloses all the limitations of Claim 2. Wong discloses the step of determining if the scheduler is authorized to schedule a recording for the recipient further comprises the step of determining if the scheduler matches an

entry in a list of registered schedulers or authorized source or sources such as friend or group of individuals in a subscription service via a token (Column 15, lines 32-62, Column 7, lines 2-9).

Regarding Claim 4, Wong discloses all the limitations of Claim 3. Wong discloses determining if the scheduler matches list comprises determining if a scheduler identification matches one of a plurality of identifications in the list of registered schedulers such as an email address, password, or token (Column 15, lines 32-62).

Regarding Claim 5, Wong discloses all the limitations of Claim 3. Wong discloses determining if the scheduler matches an entry in a buddy list comprises determining if a scheduler personalized TV recorder identification matches one of plurality of identifications in the list of authorized sources or registered schedulers (Column 7, lines 2-9, Column 9, lines 9-20, 64-57).

Regarding Claim 6, Wong discloses all the limitations of Claim 3. Wong discloses registering the recipient (Column 15, lines 32-62, Column 7, lines 2-9), registering the scheduler (Column 15, lines 32-62, Column 7, lines 2-9), and creating a buddy list for the recipient (Column 15, lines 32-62, Column 7, lines 2-9), the buddy list comprising at least on entry (Column 15, lines 32-62, Column 7, lines 2-9), each entry determining a person allowed to authorize recordings on a personalized TV recorder (PTVR) (Column 15, lines 32-62, Column 7, lines 2-9).

Regarding Claim 7, Wong discloses all the limitations of Claim 2. Wong discloses recording, determining and issuing are performed by a service provider (Column 16, lines 4-20).

Regarding Claim 8, Wong discloses all the limitations of Claim 7. Wong discloses the step of accepting a monetary amount (Column 21, lines 4-12, Column 22, lines 22-31), and wherein the step of issuing further comprises the step of issuing a command to record the program for the recipient when the scheduler is authorized to schedule a recording for the recipient and wherein the monetary amount meets a predetermined amount (Column 21, lines 4-12, Column 22, lines 22-31).

Regarding Claim 9, Wong discloses all the limitations of Claim 2. Wong discloses recording, determining and issuing are performed by a personalized TV recorder (PTVR) (Column 15, lines 24-67, Column 16, lines 1-4).

Regarding Claim 13, Wong discloses all the limitations of Claim 1. Wong discloses the user or the scheduler informing the user or recipient via messages and notifications about programs (Figure 5, Figure 16).

7. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong in view Basso et al (US 2002/0124262 and hereafter referred to as "Basso").

Regarding Claim 10, Wong discloses all the limitations of Claim 2. Wong discloses the step of determining if the scheduler is authorized to schedule a recording for the recipient further comprises the step of determining if the scheduler matches an entry in the buddy list (Column 15, lines 23-62, Column 7, lines 2-9), determining if the recipient matches an entry in a buddy list or list of authorized sources (Column 7, lines 2-9, Column 15, lines 23-62, Column 16, lines 4-20), wherein each entry in the buddy list has paid to be on the list or part of a subscription service or service based on a

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payment plan (Column 7, lines 2-9); and the step of issuing a command to record the program from the recipient when the scheduler is authorized to schedule a recording for the recipient by the service provider (Column 16, lines 4-20). Wong is silent on the recipient PTVR can retrieve recorded program from the scheduler PTVR. Basso discloses that the issuing of a command by a service provider for the program to be recorded on the scheduler PTVR and allows a recipient PTVR to retrieve a recorded program from the scheduler PTVR by a service provider (Page 2-3, paragraphs 0029, 0034). Therefore, it would have been obvious at the time the invention was made to modify Wong to include a buddy list (Page 2, paragraphs 0029, 0034) for allow schedulers to record programs on their PTVRs for subsequent retrieval as taught by Basso in order to allow users to record items of interest for their friends (Page 2, paragraph 0034) as disclosed by Basso.

Regarding Claim 11, Wong and Basso disclose all the limitations of Claim 10. Basso discloses that the recipient PTVR retrieving the recorded program from the scheduler PTVR (Pages 2-3, paragraph 0034).

Regarding Claim 12, Wong and Basso disclose all the limitations of Claim 10. Basso discloses that the scheduler PTVR or remote access device transmits the recorded program to the recipient PTVR (Pages 2-3, paragraph 00034).

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wong in view of Whitten, II (US 2002/0083136 and hereafter referred to as "Whitten").

Regarding Claim 14, Wong discloses all the limitations of Claim 2. Wong discloses the user or the scheduler informing the user or recipient via messages and notifications about programs (Figure 5, Figure 16). Wong is silent on that the scheduler or the recipient will be informed that the scheduler is not authorized to schedule a recording for the recipient. Whitten is a messaging system that can generate a list of contacts or buddy lists (Figure 2, 201). Whitten discloses that informing the sender or scheduler when the scheduler is not authorized to send a message to the recipient (Page 2, paragraph 0015). It is necessarily included that if a program cannot be selected due to lack of authorization, then the scheduler cannot schedule a recording for the recipient. Therefore, it would have been obvious at the time the invention was made to modify Wong to include informing the sender or scheduler when the scheduler is not authorized to send a message to the recipient (Page 2, paragraph 0015) as taught by Whitten in order to differentiate between desirable and undesirable messages (Page 1, paragraph 004) as disclosed by Whitten.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wong in view of Hirata (US 6,374,406).

Regarding Claim 15, Wong discloses all the limitations of Claim 1. Wong discloses the user or the scheduler informing the user or recipient via messages and notifications about programs (Figure 5, Figure 16). Wong is silent on determining conflicts. Hirata discloses sending an email or a message with a recording reservation or scheduling recordings remotely (Figure 3). Hirata discloses the scheduler informing

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the recipient that the command has been issued (Figure 3). Hirata discloses receiving the issued command (Figure 4, S2, Figure 5, S20); determining if a conflict exists between the command and a previously entered recording request (Figure 5, S20, Figure 6); and rejecting the command when a conflict exists (Figure 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wong to receive the issued command (Figure 4, S2, Figure 5, S20); determining if a conflict exists between the command and a previously entered recording request (Figure 5, S20, Figure 6); and rejecting the command when a conflict exists (Figure 6) as taught by Hirata in order to operate appliances remotely (Column 1, lines 43-45) as disclosed by Hirata.

10. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable Wong in view of Ellis et al (US 2004/0181814 and hereafter referred to as "Ellis").

Regarding Claim 16, Wong discloses all the limitations of Claim 1. Wong is silent on determining if a conflict exists between the command and a program being watched and reject the command when a conflict exists. Ellis discloses determining if a conflict exists between the command and a program being watched (Figure 4c) and rejecting the command when a conflict exists (Figure 4c). Therefore, it would have been obvious at the time the invention was made to modify Wong to include a rejection mechanism due to conflicts between a currently viewed program and a recording command from the scheduler (Figure 4c) as taught by Ellis in order to provide a more

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sophisticated program guide and recording possibilities (Page 1, paragraphs 0005-0006) as disclosed by Ellis.


Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH
August 21, 2006


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